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REPORT
101-229

REVISING THE BOUNDARY OF GETTYSBURG NATIONAL MILITARY PARK IN THE COMMONWEALTH OF PENNSYLVANIA, AND FOR OTHER PURPOSES

DECEMBER 20, 1989.—Ordered to be printed

Filed under authority of the order of the Senate of November 22 (legislative day, November 6), 1989

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1594]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1594) to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, strike lines 3 and 4 in their entirety and insert in lieu thereof, "Concept', numbered NPS 305/80034-A, and dated November, 1989, which shall be on file and available for".

2. On page 2, line 11, strike "under section 2(o)." and insert in lieu thereof, "in accordance with the provisions of subsection 2(c).".

3. On page 2, line 20, strike "section 5(a) of the Act approved July 15, 1968 (16 U.S.C. 4601-22)," and insert in lieu thereof, "subsection 5(a) of the Act of July 15, 1968 (16 U.S.C. 2601-22),".

4. On page 2, line 23, strike "may be retained and used" and insert in lieu thereof, "may be used, subject to appropriations,".

5. On page 3, line 2, strike all of subsection (c) and insert in lieu thereof:

> (c) CONVEYANCE OF LANDS EXCLUDED FROM PARK.—(1) The Secretary is authorized, in accordance with applicable existing law, to exchange Federal lands and interests ex-

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cluded from the park pursuant to subsection 1(b) for the purpose of acquiring lands within the park boundary.

(2) If any such Federal lands or interests are not exchanged within five years after the date on enactment of this Act, the Secretary may sell any or all such lands or interests to the highest bidder, in accordance with such regulations as the Secretary may prescribe, but any such conveyance shall be at not less than the fair market value of the land or interest, as determined by the Secretary.

(3) All Federal lands and interests sold or exchanged pursuant to this subsection shall be subject to such terms and conditions as will assure the use of the property in a manner which, in the judgment of the Secretary, will protect the battlefield setting. Notwithstanding any other provision of law, the net proceeds from any such sale or exchange shall be used, subject to appropriations, to acquire lands and interests within the park.

6. On page 3, lines 14 and 15, strike "by section 1," and insert in lieu thereof, "pursuant to subsection 1(b),".

7. On page 4, line 1, strike "available" and insert "available, subject to appropriations,".

8. On page 4, line 3, strike "In addition, the Secretary may" and insert in lieu thereof, "In addition, within the area depicted as the 'Battlefield Setting' on the map referred to in subsection 1(a), or in proximity thereto, the Secretary may, with the consent of the owner,".

9. On page 4, lines 18 and 19, strike "on a request basis," and insert in lieu thereof, "on request,".

10. On page 4, line 24, strike "section" and insert in lieu thereof, "subsection".

PURPOSE OF THE MEASURE

The purpose of S. 1594 is to establish a statutory boundary for Gettysburg National Military Park in Pennsylvania, based on a boundary study prepared by the National Park Service in response to Public Law 100–132.

BACKGROUND AND NEED

Gettysburg National Military Park, located in Adams County, in southern Pennsylvania, was established in 1895 to commemorate the events associated with the Battle of Gettysburg, which took place July 1–3, 1863. Although the Civil War continued for 2 more years, many historians mark Gettysburg as the turning point of the war. The battle claimed over 51,000 casualties over the 3 days of fighting.

The 1895 park enabling legislation did not establish a statutory boundary. Instead, the legislation stated that the park could not exceed in area the parcels designated on a map prepared by Major General Daniel E. Sickles, and "such other lands as [the Secretary of War] may deem necessary to preserve the important topographical features of the battlefield." The Sickles map designated 13 noncontiguous areas totaling approximately 4,400 acres for proposed purchase by the Federal Government. However, from the time the

park was designated, the external boundaries of the tracts were considered the exterior boundary of the park, with all internal areas, except for the town of Gettysburg, considered part of the park. The lack of the statutory boundary has continued to be a source of uncertainty ever since.

In 1933, administration of the park was transferred from the Department of War to the National Park Service. In 1974, the Park Service developed an administrative plan for the park which included the development of a new boundary map encompassing approximately 3,865 acres. The 1974 administrative plan reflects the present boundary of the park, with the exception of a 30-acre tract added by Congress last year. In that legislation, Public Law 100–132, Congress directed the Park Service to conduct a boundary study of the park, and to submit to Congress "recommendations with respect to the final development of the Gettysburg National Military Park." The study was completed and transmitted to Congress in August.

S. 1594 incorporates the recommendations of the Boundary Study, the principal features of which include: adding approximately 1,900 acres to the park in 14 areas which represent key sites and features of the battle not now adequately protected or interpreted; deleting 25 acres from the park in 8 small areas no longer needed; protecting outlying monuments and markers through cooperative agreements with landowners; and encouraging cooperation between Federal, State and local governments and the private sector to protect historic qualities of the battlefield setting.

LEGISLATIVE HISTORY

S. 1594 was introduced by Senators Specter and Heinz on September 12, 1989. The Subcommittee on Public Lands, National Parks and Forests held a hearing on S. 1594 on October 24, 1989.

At the business meeting on November 8, 1989, the Senate Committee on Energy and Natural Resources ordered S. 1594, as amended, favorably reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on November 8, 1989, by unanimous vote of a quorum present, recommends that the Senate pass S. 1594, if amended as described herein.

The rollcall vote on reporting the measure was 18 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford*	
Mr. Metzenbaum*	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Conrad	
Mr. Heflin	
Mr. McClure	

Mr. Hatfield*
Mr. Domenici*
Mr. Wallop
Mr. Murkowski
Mr. Nickles*
Mr. Burns
Mr. Garn
Mr. McConnell

*Indicates voted by proxy.

COMMITTEE AMENDMENTS

During the consideration of S. 1594, the Committee adopted 10 amendments. Six of the amendments simply make technical or clarifying changes to the bill.

Amendments 4 and 7 clarify that any net proceeds retained pursuant to sections 2 and 3 for land acquisition uses may only be used subject to appropriations.

Amendment 5 grants the Secretary the authority to exchange, in accordance with applicable existing law, Federal lands and interests in lands excluded from the park for the purpose of acquiring lands within the park. The amendment provides that if the lands are not exchanged within 5 years after the date of enactment of the Act, the Secretary may sell any or all such lands or interests to the highest bidder, so long as such sale is for not less than the fair market value of the lands or interests, as determined by the Secretary. The amendment provides that any lands or interests sold pursuant to this subsection shall be subject to such terms and conditions as will, in the judgment of the Secretary, protect the battlefield setting. Finally, the amendment states the net proceeds from any sale are to be used, subject to appropriations, to acquire lands and interests within the park.

Amendment 8 modifies the authority of the Secretary to acquire outlying monuments and tablets commemorating the battle of Gettysburg to permit such acquisition only with the consent of the owner and only in the proximity of the area depicted on the map as the "Battlefield Setting."

SECTION-BY-SECTION ANALYSIS

Section 1(a) provides that the boundary of Gettysburg National Military Park (the "park") is modified to consist of the lands within the area generally as depicted as the "Proposed Park Boundary" on the National Park Service map NPA 305/80034–A, dated November, 1989.

Subsection (b) states that lands and interests in lands outside of the "Proposed Park Boundary" are excluded from the park and are to be disposed of in accordance with subsection 2(c).

Section 2(a) authorizes the Secretary of the Interior (the "Secretary") to acquire lands and interests in lands within the park by donation, purchase with donated or appropriated funds or by exchange, or otherwise.

Subsection (b) allows the Secretary to convey lands and interests in lands within the park in accordance with subsection 5(a) of the Act of July 15, 1968. That Act provides that the Secretary "may

convey a freehold or leasehold interest for lands within a unit of the National Park System, subject to such terms and conditions as will assure the use of the property in a manner which, in the judgment of the Secretary, is consistent for the purpose for which the area was authorized by Congress." The Act further provides that any conveyance shall be to the highest bidder. Subsection (b) modifies the application of the Act of July 15, 1968 to provide that the net proceeds from any such conveyance may be used, subject to appropriations, to acquire lands and interests in lands within the park.

Subsection (c) authorizes the Secretary, in accordance with applicable existing law, to exchange Federal lands and interests in lands excluded from the park pursuant to subsection 1(b) for the purpose of acquiring lands within the park. Any lands or interests therein not exchanged within 5 years after the date of enactment of this Act may be sold to the highest bidder, but not for less than the fair market value of the land or interest. Paragraph (3) states that all Federal lands or interests sold or conveyed pursuant to this subsection shall be subject to terms and conditions set forth by the Secretary to protect the battlefield setting. The net proceeds from any sale or exchange are to be used, subject to appropriations, to acquire lands and interests in lands within the park.

Section 3 authorizes the Secretary to enter into agreements with the owners of land on which are erected historical monuments and tablets commemorating the battle of Gettysburg to provide for the maintenance, protection and interpretation of such monuments and tablets. The section also grants the Secretary—in the proximity of the area depicted on the map as the "Battlefield Setting"—the authority to acquire such monuments and tablets along with lands and interests necessary for adequate public access. However, no acquisition made except with the consent of the owner.

Section 4 directs the Secretary to take appropriate action to encourage conservation of the Gettysburg battlefield setting by landowners, local governments, organizations and businesses.

Section 5 authorizes the appropriation of such sums as are necessary to carry out the purposes of the Act.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 13, 1989.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. 1594, a bill to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 1594.

2. Bill title: A bill to revise the boundary of Gettysburg National Military Park in the Commonwealth of Pennsylvania, and for other purposes.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources on November 8, 1989.

4. Bill purpose: S. 1594 would alter the boundaries of the Gettysburg National Military Park. The revision would incorporate about 1,900 acres of new lands and exclude about 25 acres currently part of the park. Under Section 2 of the bill, the Secretary of the Interior would be authorized to acquire the new acreage by purchase, donation, or exchange. This section would also provide for the disposition of unneeded or excluded holdings and interests by the National Park Service (NPS). Net proceeds from such dispositions would be available, subject to appropriation, for acquisition at the site.

Section 3 of the bill would permit the NPS to continue its maintenance of privately owned historical markers on land that would no longer be within the new boundaries of the park. In addition, the agency would be authorized to acquire these markers (and associated property), if necessary to ensure public access.

Finally, Section 5 would authorize the appropriation of whatever sums are necessary to carry out the bill's provisions.

5. Estimate cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1990	1991	1992	1993	1994
Estimated authorization level	9.4				
Estimated outlays	1.8	1.9	1.9	1.9	1.9

The costs of this bill fall within budget function 300.

Basis of estimate: For purposes of this analysis, it is assumed that S. 1594 will be enacted early in fiscal year 1990 and that the entire amount estimated to be necessary will be appropriated during the year. Based on information provided by the NPS, CBO estimates that the agency would spend about $9.4 million to purchase land, easements, and other interests or property within the park. Annual costs to operate and maintain newly acquired property are not expected to be significant. Outlays have been estimated on the basis of historical spending patterns for similar acquisitions.

Other provisions of S. 1594 are not expected to have any significant impact on the federal budget.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Deborah Reis.
10. Estimate approved by: C.G. Nuckols (for James L. Blum, for Budget Analysis).

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1594. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1594, as reported.

EXECUTIVE COMMUNICATIONS

On October 21, 1989, the Committee on Energy and Natural Resources requested legislative reports from the Department of the Interior and the Office of Management and Budget setting forth the Administration's view on S. 1594. These reports had not been received at the time the report was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the National Park Service at the Subcommittee on Public Lands, National Parks and Forests hearing on S. 1594 follows:

STATEMENT OF HERBERT S. CABLES, DEPUTY DIRECTOR, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON PUBLIC LANDS, NATIONAL PARKS AND FORESTS, SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES, CONCERNING S. 1594, TO REVISE THE BOUNDARY OF GETTYSBURG NATIONAL MILITARY PARK, PA

Mr. Chairman, I appreciate this opportunity to provide the views of the Department of the Interior on this legislation.

We recommend the enactment of S. 1594.

S. 1594 would revise the boundary of Gettysburg National Military Park to add approximately 1,900 acres and exclude about 25 acres of Federal land from the existing park. The bill would authorize acquisition of the non-Federal lands by the usual means, including exchange. It also authorizes the Secretary to make funds available to property owners for the maintenance, protection, and interpretation of historic markers outside the new boundary, and to acquire the lands and access rights to such historic markers. Finally, S. 1594 specifically directs the Secretary, in administering existing grant and technical assistance programs, to give priority to activities that will assure conservation and maintenance of the historic character of the battlefield setting.

This last provision reflects a common understanding between numerous local groups and officials over the need to conserve the historical fabric of the battlefield area.

Public Law 100-132, approved October 16, 1987, directed the National Park Service to conduct a boundary study of the park and

submit it to Congress within one year. This study was submitted to Congress on August 16, 1989.

The study process involved input from Adams County officials, the Borough of Gettysburg, and several nearby townships, as well as numerous other groups and government agencies. S. 1594 would, if enacted, authorize the Secretary to implement the key recommendations of the study.

The principal change recommended by the study that S. 1594 would implement, is the addition of 14 outstanding resource areas totalling about 1,900 acres, that contain key sites and features of the July 1-3, 1863 Civil War battle at Gettysburg. These areas are briefly described below:

1. Early's Line (65 acres)—two areas where Confederate General Early attacked the Union 11th Corps and 1st Corps on July 1, 1863.
2. 11th Corps Line (65 acres)—last position of the Union 11th Corps and 1st Corps prior to the retreat through town to Cemetery Hill.
3. Herr's Ridge (208 acres)—area of three major Confederate attacks on July 1.
4. First Shot and Marker (4 acres)—location of the first shot in the battle.
5. First Corps Line (17 acres)—last defensive position of much of the Union 1st Corps on July 1, before the retreat to Cemetery Hill.
6. Pitzer Farm (227 acres)—location of Confederate 3rd Corps supply and artillery park on July 2-4.
7. South Cavalry Field (210 acres)—where Union cavalry attacked the Confederate rear on July 3.
8. 20th Maine Monument (acreage within How and Wright Avenues)—the left of the Union line where the 20th Maine fired against the 15th Alabama.
9. Howe and Wright Avenues (210 acres)—extreme left flank of the Union line from evening of July 2 through July 4.
10. George Spangler Farm (85 acres)—Union hospital site, artillery park, and troop movement area.
11. Neill Avenue (121 acres)—location of Union right flank, where fighting occurred between Union 6th Corps and detached Confederate requirements on July 3.
12. Baltimore Pike Corridor (55 acres)—extensive Union activity July 2-4, including artillery covering Culp's Hill, General Meade's headquarters, and hospital sites.
13. Hospital Woods (11 acres)—site of Camp Letterman, the U.S. General Hospital for 5,000 Union and Confederate wounded in the battle.
14. East Cavalry Field (630 acres)—site of one of the largest mounted cavalry battles of the Civil War.

Mr. Chairman, of the foregoing lands to be included in the boundary we are proposing fee acquisition of 176.6 acres of private lands, including 17 improvements, and easement acquisition of 1,614.13 acres of private lands. We estimate the total land cost to be $9.4 million.

Although the bill would authorize the sale of about 25 acres of land excluded from the park—mostly old road segments and other unneeded parcels—and use of the proceeds for park land acquisition, we have made no estimate of the value of these lands.

The only other new authority in the bill, Mr. Chairman, is that which provides funds for landowners to maintain historic markers outside the new boundary and authorization to acquire these markers and access rights to them. There are 47 such monuments on non-Federal lands and the National Park Service currently maintains them directly as if they were part of the park. The annual cost is not significant, but with this legislation the markers would be excluded from the boundary. We believe the new authority is desirable to assure continued maintenance of an access to these monuments.

This concludes my prepared remarks, Mr. Chairman. I would be pleased to respond to any questions you may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 1594, as reported.

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